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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/038,202
Filing Date: December 21, 2001
Appellant(s): CALLAWAY ET AL.

Michael Fletcher
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/14/2007 appealing from the Office
action mailed 10/17/2006

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,785,868	Raff
6,020,828	Gotou
2002/0078379	Edwards et al

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 4-6, 8-16, 18-22, 24, 44-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raff ("Raff", US 6,785,868) in view of Gotou ("Gotou", US6,020,828).

As per claim 1, Raff teaches a device for managing a combination of family-related matters and work-related matters, the device comprising: a processor (Figure 5); a calendaring program running on the processor (Column 9 line 63 – Column 10 line 33); calendaring program adapted to provide at least one calendar corresponding to family-related matters (Column 10 lines 39-52), at least one calendar corresponding to work-related matters (Column 10 lines 39-52), and at least one calendar corresponding to a merger of the family-related matters and the work-related matters (Column 10 lines 53-63), the at least one calendar corresponding to the merger of the family-related matters and the work-related matters adapted to display icons that distinguish between the family –related matters and the work-related matters (Column 10 lines 53-63); and an input/output stage operably coupled to the processor and adapted to communicate

with a remote device to update the calendars (col.5, lines 41-47) corresponding to family-related matters and the at least one calendar corresponding to work –related matters (Column 8 lines 54-65). However, Raff fails to distinctly point out icons as known in the art. However, Gotou teaches display icons that distinguish between the family related matters and the work related matters (Column 3 lines 1-15). Therefore it would have been obvious to an artisan at the time of the invention to combine the icon teaching of Gotou with the device of Raff. Motivation to do so would have been to provide a desired meaning to each of the icons so that a user can quickly identify an association.

As per claim 2, Raff-Gotou teaches the device comprising at least one of a personal computer, a laptop computer, a handheld computer, a cellular telephone, a personal digital assistant, and a pager (Raff, Column 6 lines 25-33).

As per claim 4, Raff-Gotou teaches the device wherein the input/output stage comprises at least one of an infrared link, a cellular link, a hard-wired link, an intranet link, and an Internet link (Raff, Column 8 lines 8-11).

As per claim 5, Raff-Gotou teaches the device wherein the remote device comprises a host computer (Raff, Column 8 lines 30-53).

As per claim 6, Raff-Gotou teaches the device wherein the host computer comprises a public host computer (Raff, Column 10 lines 1-10).

As per claim 8, Raff-Gotou teaches the device wherein the remote device comprises at least one of a personal computer, a laptop computer, a handheld computer, a cellular telephone, a personal digital assistant, and a pager (Raff, Column 8 lines 54-65).

As per claim 9, Raff-Gotou teaches the device wherein the host computer comprises a barrier to separate the work-related matters from the family-related matters (Raff, Figure 15).

As per claim 10, Raff-Gotou teaches the device wherein the at least one calendar corresponding to family-related matters comprises at least one of a daily family-related calendar, a weekly family-related calendar, and a monthly family-related calendar (Raff, Figure 15).

As per claim 11, Raff-Gotou teaches the device wherein the at least one calendar corresponding to work-related matters comprises at least one of a daily work-related calendar, a weekly work-related calendar, and a monthly work-related calendar (Raff, Figure 15).

As per claim 12, Raff-Gotou teaches the device wherein the at least one calendar corresponding to the merger of family-related matters and work-related matters comprises at least one of a daily merged calendar, a weekly merged calendar, and a monthly merged calendar (Raff, Figure 17).

As per independent claim 13, Raff teaches a system for managing a combination of family-related matters and work-related matters, the system comprising: a first device designated as a hub (Column 11 lines 64-67); a plurality of second devices (Column 12 lines 1-12); a host computer adapted to communicate with the first device and with the plurality' of second devices (Column 11 line 64 – Column 12 line 12); and a calendaring program running on at least the first device (Column 9 line 63 – Column 10 line 33), the calendaring program adapted to provide at least one calendar corresponding to family-related matters (Column 10 lines 39-52), at least one calendar corresponding to work-related matters (Column 10 lines 39-52), and at least one calendar corresponding to a merger of the family-related matters and the work-related matters (Column 10 lines 53-63), the calendaring program adapted to update the calendars in response to communication between the first device and the host computer, the at least one calendar corresponding to the merger of the family-related matters and the work-related matters adapted to display icons that distinguish between the family –related matters and the work-related matters (Column 8 lines 54-65). However, Raff fails to distinctly point out icons as known in the art. However, Gotou teaches display icons that distinguish between the family related matters and the work

related matters (Column 3 lines 1-15). Therefore it would have been obvious to an artisan at the time of the invention to combine the icon teaching of Gotou with the device of Raff. Motivation to do so would have been to provide a desired meaning to each of the icons so that a user can quickly identify an association.

As per claim 14 Raff-Gotou teaches the system wherein the first device comprises at least one of a personal computer, a laptop computer, a handheld computer, a cellular telephone, a personal digital assistant, and a pager (Raff, Column 11 lines 64-67).

As per claim 15, Raff-Gotou teaches the system wherein each of the plurality of second devices comprises at least one of a personal computer, a laptop computer, a handheld computer, a cellular telephone, a personal digital assistant, and a pager (Raff, Column 12 lines 1-12).

Claim 16 is similar in scope to that of claim 6 and is therefore rejected under similar rationale.

As per claim 18, Raff-Gotou teaches the system wherein the host computer communicates both the family-related matters and the work-related matters to the first device, and wherein the host computer communicates only one of the family-related

matters or the work-related matters to each of the plurality of second devices (Raff, Column 11 line 64 – Column 12 line 29).

As per claim 19 Raff-Gotou teaches the system comprising at least one of an infrared link, a cellular link, a hard-wired link, an intranet link, and an Internet link between the host computer and the first device and between the host computer and each of the second devices (Raff, Column 8 lines 8-11, Column 6 lines 25-33).

Claim 20 is similar in scope to claim 9, and is therefore rejected under similar rationale.

Claim 21 is similar in scope to claim 10, and is therefore rejected under similar rationale.

Claim 22 is similar in scope to claim 11, and is therefore rejected under similar rationale.

Claim 24 is similar in scope to claim 12, and is therefore rejected under similar rationale.

As per claim 44, Raff-Gotou teaches the device wherein the icons comprise a first icon associated with the family-related matters and a second icon associated with

the work-related matters, the first icon being different in appearance than the second icon (Gotou, Column 3 lines 1-15).

As per claim 45, Raff-Gotou teaches the device wherein the first icon resembles a house and wherein the second icon resembles an office building (Gotou, Column 3 lines 1-15).

Claim 46 is similar in scope to that of claim 44 and is therefore rejected under similar rationale.

Claim 47 is similar in scope to that of claim 45 and is therefore rejected under similar rationale.

3. Claims 7,17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raff ("Raff", US 6,785,868) and Gotou ("Gotou", US 6,020,828) in view of Edwards et al ("Edwards", US 2002/0078379).

As per claim 7, Raff-Gotou fails to specifically point out a private host computer. However, Edwards teaches a method, wherein the host computer comprises a private host computer ([0010]-[0012]). Therefore it would have been obvious to an artisan at the time of the invention to combine the private computer of Edwards with the method of

Raff-Gotou. Motivation to do so would have been to provide a secure way of accessing applications, programs, and capabilities of the device.

Claim 17 is similar in scope to claims 7 respectively, and is therefore rejected under similar rationale.

4. Claims 25-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raff ("Raff", US 6,785,868) in view of Edwards et al ("Edwards", US 2002/0078379).

As per independent claim 25, Raff teaches a system for managing a combination of family-related matters and work-related matters, the system comprising: a family/work device (Figure 15); a plurality of work devices (Column 12 lines 1-10); a plurality of family devices (Column 12 lines 1-10) a public host computer communicatively coupled to the family/work device and to the plurality of family devices, the public host computer maintaining family-related matters (Column 12 lines 1-10); and a calendaring program running on at least the family/work device (Column 10 lines 10-52), at least one calendar corresponding to work-related matters (Column 10 lines 10-52), the calendaring program adapted to update the at least one calendar corresponding to family-related matters and the at least one calendar corresponding to work-related matters in response to communication between the family/work device and the host computers (Column 9 lines 9-62). Raff fails to specifically point out a private

host computer. However, Edwards teaches a method, wherein the host computer comprises a private host computer ([0010]-[0012]). Therefore it would have been obvious to an artisan at the time of the invention to combine the private computer of Edwards with the method of Raff. Motivation to do so would have been to provide a secure way of accessing applications, programs, and capabilities of the device.

As per claim 26, Raff-Edwards teaches the system wherein the family/work device comprises at least one of a personal computer, a laptop computer, a handheld computer, a cellular telephone, a personal digital assistant, and a pager (Raff, Column 6 lines 25-33).

As per claim 27, Raff-Edwards teaches the system wherein each of the plurality of work devices and each of the plurality of family devices comprise at least one of a personal computer, a laptop computer, a handheld computer, a cellular telephone, a personal digital assistant, and a pager (Raff, Column 8 lines 54-65).

As per claim 28 Raff-Edwards teaches the system comprising at least one of an infrared link, a cellular link, a hard-wired link, an intranet link, and an Internet link between the private host computer and the family/work device, between the private host computer and each of the work devices, between the public host computer and the family/work device, and between the public host computer and each of the family devices (Raff, Column 8 lines 8-11, Column 6 lines 25-33).

As per claim 29, Raff-Edwards teaches the at least one calendar corresponding to family-related matters comprises at least one of a daily family-related calendar, a weekly family-related calendar, and a monthly family-related calendar (Raff, Figure 15).

As per claim 30, Raff-Edwards teaches the device wherein the at least one calendar corresponding to work-related matters comprises at least one of a daily work-related calendar, a weekly work-related calendar, and a monthly work-related calendar (Raff, Figure 15).

As per claim 31, Raff-Edwards teaches the calendaring program is adapted to provide at least one calendar corresponding to a merger of the family-related matters and the work-related matters (Raff, Figure 17).

As per claim 32, Raff-Edwards teaches the device wherein the at least one calendar corresponding to the merger of family-related matters and work-related matters comprises at least one of a daily merged calendar, a weekly merged calendar, and a monthly merged calendar (Raff, Figure 17).

5. Claims 48-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raff ("Raff", US 6,785,868) in view of Edwards et al ("Edwards", US 2002/0078379) in view of Gotou ("Gotou", US 6,020,828).

As per claim 48, Raff-Edwards fails to distinctly point out icons as known in the art. However, Gotou teaches display icons that distinguish between the family related matters and the work related matters (Column 3 lines 1-15). Therefore it would have been obvious to an artisan at the time of the invention to combine the icon teaching of Gotou with the device of Raff-Edwards. Motivation to do so would have been to provide a desired meaning to each of the icons so that a user can quickly identify an association.

As per claim 49, Raff-Edwards-Gotou teaches the device wherein the icons comprise a first icon associated with the family-related matters and a second icon associated with the work-related matters, the first icon being different in appearance than the second icon (Gotou, Column 3 lines 1-15).

As per claim 50, Raff-Edwards-Gotou teaches the device wherein the first icon resembles a house and wherein the second icon resembles an office building (Gotou, Column 3 lines 1-15).

(10) Response to Argument

The Appellant argues the following main points:

The Appellant argues that the cited prior art, namely Raff and Gotou fail to disclose or suggest (1) “distinct work related and family related calendars or (2) a merged calendar of work related matters and family related matters where such matters are distinguished by icons”. The Examiner disagrees, since the claims do not specifically state “distinct “ calendars as argued by the Appellant, but rather a calendar that corresponds to family related matter and work related. Raff teaches just that, while the calendar may contain information more than just work information, it does contain work related matters which is not prohibited by the current claim language. Furthermore, work and family related matters are merely headings given to 2 separate calendar and are simply non-functional descriptive material. When looking at the functionality of the present invention it simplistically breaks down to two separate calendars, each with its own set of data entries, merging the calendars together, and depicting each calendar’s information with an icon. Raff teaches this exact functionality , see figures 15-17 for a quick overview, with the exception of graphical icons which Gotou teaches.

The Appellant argues that a barrier is implemented to ensure each calendar’s information does not cross. Again when viewing the claimed limitations as functional material, the invention separates the two calendars with a barrier like the calendar database as seen in Figure 15 of Raff i.e. child 1, child2, wife, and unfilled. Functionally speaking the disclosure is very similar to that of the present invention, and the names of the categories can be adapted to work and personal without affecting the functionality

whatsoever. The same argument applies for allocating each device with a specific calendar.

The Appellant argues the icon shapes and that the shapes do not resemble a house or office, even though the cited reference Gotou states the icons depicted are those of a home and an office. While the shapes may not resemble a house or an office to the Appellant, the Examiner agrees with Gotou's disclosure that the buildings depicted resemble a home and an office.

In response to Appellant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, a private network as suggested by the Appellant increases security. Increased security especially within a wireless network is important and would not greatly reduce or eliminate the type of sharing of Raff, but simply make the sharing more secure.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Ryan Pitaro

/Ryan F Pitaro/

Examiner, Art Unit 2174

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